

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NICOIS M. SMITH,

Plaintiff,

v.

OKLAHOMA STATE OF, ET AL.,

Defendants.

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CIV-19-868-R

ORDER

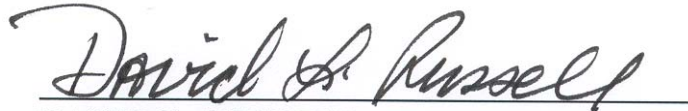
Plaintiff filed this action pursuant to 42 U.S.C. § 1983, alleging violation of his constitutional rights by certain correctional professionals during his detention in the Oklahoma County Detention Center. (Doc. No. 1). Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter has been referred to United States Magistrate Judge Gary M. Purcell for preliminary review. On December 2, 2019, Judge Purcell issued a Report and Recommendation wherein he recommended that certain discovery motions filed by Plaintiff, specifically Doc. Nos. 8, 9, 12, 17, 25, and 27, be denied without prejudice, because discovery is not yet appropriate in the case.¹ (Doc.No. 28). Judge Purcell further re-informed Plaintiff that, to the extent his lawsuit appears to request that criminal prosecution be initiated against one or more Defendants, this Court lacks jurisdiction to grant such relief. The matter is currently before the Court on Plaintiff's timely objection to the Report and Recommendation (Doc.No. 40). As a result of this objection, the Court

¹ Defendants have not yet been served with process and Plaintiff was granted leave to file an amended complaint, which he has done.

must give *de novo* review to those portions of the Report and Recommendation to which Plaintiff makes specific objection. Having conducted such review, the Court finds no basis in the objection for rejecting or modifying the Report and Recommendation in any respect. Simply stated, it is not yet time for discovery.² To the extent Plaintiff adds additional allegations in his objection, specifically contentions that his mail is being tampered with at the Oklahoma State Reformatory, those allegations are not part of this action.³

The Report and Recommendation entered on December 2, 2019 is hereby ADOPTED. This matter remains before Judge Purcell for additional preliminary proceedings.

IT IS SO ORDERED this 6th day of January 2020.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE

² The Court reminds Plaintiff of his obligation to sign every filing and to include his address thereon as required by Federal Rule of Civil Procedure 11(a).

³ The Court notes that any claim related to conditions of confinement at the Oklahoma State Reformatory would be properly filed in the Eastern District of Oklahoma.